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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 In re SONY VAIO COMPUTER  
12 NOTEBOOK TRACKPAD  
13 LITIGATION

CASE NO. 09cv2109-AJB (MDD)

ORDER ON JOINT MOTION  
FOR DETERMINATION OF  
DISCOVERY DISPUTE:  
REDACTIONS

[ECF NO. 208]

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16 Before the Court is the joint motion of the parties for determination  
17 of a discovery dispute filed on February 18, 2014. (ECF No. 208). The  
18 dispute pertains to redactions of content in documents provided by  
19 Defendant Sony in the course of document production. During the  
20 course of document discovery, Defendant produced documents from  
21 which certain content was redacted for non-responsiveness or  
22 irrelevance. Plaintiff asserts that these redactions are contrary to law.  
23 Defendant contends that the Court need not reach the merits of the  
24 dispute because Plaintiff's motion is untimely and, in any event, the  
25 redactions are lawful. The Court agrees with Defendant that Plaintiff's  
26 complaint is untimely.

27 This was a rolling production and the last of the documents in issue  
28 was produced, according to Plaintiff, on December 28, 2012. (ECF No.

1 208-4). Defendant asserts that pursuant to this Court's Civil Chambers  
2 Rules, any issue regarding redactions in these documents should have  
3 been presented to the Court within 45 days of the offending production.  
4 See Magistrate Judge Dembin's Civil Chambers Rules V. C. and V. D.  
5 Plaintiff asserts that this is not a discovery dispute; rather, it is a  
6 redaction dispute and the Chambers Rules do not apply. Plaintiff argues  
7 that this dispute is not over "written" discovery. The Court disagrees. A  
8 dispute regarding the adequacy of a document production, whether the  
9 dispute is over privilege, relevance, burdensomeness, vagueness or any  
10 other lawful objection and whether the issue encompasses withholding  
11 an entire document or only a portion, is a discovery dispute. Further,  
12 regardless of whether the dispute arises from an interrogatory or a  
13 request for production, the production is the result of "written"  
14 discovery.

15 This dispute should have been brought before the Court over one  
16 year ago. Plaintiff offers only the excuse that many of the challenged  
17 documents were produced toward the end of 2012. There is no reason  
18 offered for Plaintiff's decision not to seek relief from the Chambers Rules  
19 early in 2013.

20 Accordingly, the Court DENIES Plaintiff's motion to compel as  
21 presented in the instant joint motion as untimely and will not address  
22 the merits of the dispute.

23 IT IS SO ORDERED.

24 DATED: February 26, 2014

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27 Hon. Mitchell D. Dembin  
28 U.S. Magistrate Judge